

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-61872

ALFRED D. DANIEL,

Chapter 13

Debtor.

Judge Thomas J. Tucker

ALFRED D. DANIEL,

Plaintiff,

v.

Adv. Pro. No. 08-5276

LASALLE BANK, N.A.
AS TRUSTEE FOR MLMI,

Defendant.

**ORDER DISMISSING ADVERSARY PROCEEDING
FOR LACK OF SUBJECT MATTER JURISDICTION**

This adversary proceeding is before the Court on the Court's own motion for review of subject matter jurisdiction. Plaintiff filed its Complaint initiating this adversary proceeding on October 22, 2008. On December 8, 2008, the main bankruptcy case (Case No. 08-61872) was dismissed. Because the main bankruptcy case has been dismissed, there is no longer pending any "case under title 11" within the meaning of 28 U.S.C. §§ 1334(a), 157(a) and 157(b)(1). As a result, this adversary proceeding can no longer be considered a proceeding "arising under title 11, or arising in or related to" a case under title 11 within the meaning of 28 U.S.C. §§ 1334(b), 157(a) and 157(b)(1).

In addition, the Court concludes that the dismissal of the main bankruptcy case renders this adversary proceeding moot.

For these reasons, the Court concludes that it no longer has subject matter jurisdiction of this adversary proceeding, and so it must be dismissed. Accordingly,

IT IS ORDERED that this adversary proceeding is DISMISSED.

Signed on December 12, 2008

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge